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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,723	12/03/2003	Tetsuroh Murakami	259052003900	6899
25226	7590	07/23/2004	EXAMINER	
MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018			WILSON, SCOTT R	
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,723	Applicant(s) MURAKAMI ET AL.	
	Examiner Scott R. Wilson	Art Unit 2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/3/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. in view of Haskal et al.. As to claim 1, Ikeda et al. discloses, paragraph [0026], a light emitting diode having an AlGaInP light emitting layer and a transparent electrode. Ikeda et al. does not disclose expressly that the electrode is a ZnO film doped with a group III element or compound thereof. Haskal et al. discloses a light emitting device which has a transparent electrode (col. 2, lines 32-33) formed from a ZnO layer doped with Al (col. 3, lines 16-18), a group III element. At the time of invention, it would have been obvious to a person of ordinary skill in the art to form the electrode of Haskal et al. in the LED of Ikeda et al.. The motivation for doing so would have been to allow the transmission of light through the electrode (Haskal et al., col. 1, lines 59-60). Therefore, it would have been obvious to combine Haskal et al. with Ikeda et al. to obtain the invention as specified in claim 1.

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As to claim 2, Haskal et al., (col. 3, line 17) discloses that the group III element doped in the ZnO layer is aluminum.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. in view of Haskal et al. and further in view of Sanaka et al.. As to claim 5, Ikeda et al. in view of Haskal et al. discloses the invention of claim 1, as described above. Ikeda et al. in view of Haskal et al. does not disclose expressly a contact layer formed between the light emitting layer and the transparent electrode, formed of GaP, InGaP or AlGaInP. Sanaka et al., Figure 2, discloses a light emitting device which has a contact layer (3h) formed from p-Ga_{0.5}In_{0.5}P (paragraph [0045]) formed between the light emitting layer (3e) and a subsequently formed transparent electrode (paragraph [0076]). At the time of invention, it would have been obvious to a person of ordinary skill in the art to form the contact layer of Sanaka et al. in the LED of Ikeda et al. in view of Haskal et al.. The motivation for doing so would have been to facilitate subsequent contact with the device electrodes. Therefore, it would have been obvious to combine Sanaka et al. with Ikeda et al. in view of Haskal et al. to obtain the invention as specified in claim 5.

As to claims 6 and 7, the contact layer of Sanaka et al. is disclosed (paragraph [0045]) to be 300 Å thick.

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. No prior art discloses the claimed invention with the amount of doped group III element in the range of 1 wt% to 10 wt% relative to ZnO.

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. No prior art discloses the claimed invention with the any transient elements, disclosed in the specification to be Cr, Co or V or compounds thereof, doped in the ZnO film.

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Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. No prior art discloses the claimed contact layer and also a current blocking layer of opposite conductive type laminated on a portion of the contact layer.

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. No prior art discloses the claimed contact layer and a metal electrode which makes Schottky contact with a portion of the contact layer.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. No prior art discloses the claimed contact layer and a reduction in contact resistance between the transparent electrode and the contact layer by means of annealing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott R. Wilson whose telephone number is 571-272-1925. The examiner can normally be reached on M-F 8:30 - 4:30 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

srw
July 21, 2004

NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800